

## NOT FOR PUBLICATION

SEP 16 2005

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUITCATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS  
FILED  
Clerk  
District Court

OCT 19 2005

UNITED STATES OF AMERICA,

No. 03-10312

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

Plaintiff - Appellee,

D.C. No. CR-03-00002-ARM

v.

YANG WANG,

MEMORANDUM \*

Defendant - Appellant.

Appeal from the United States District Court  
for the District of the Northern Mariana Islands  
Alex R. Munson, Chief Judge, Presiding

Submitted September 12, 2005 \*\*

Before: REINHARDT, RYMER, and HAWKINS, Circuit Judges.

Yang Wang appeals his guilty-plea conviction and 57-month sentence imposed for distribution and possession with intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Wang

\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

has filed a brief and a motion to withdraw as counsel of record, stating there are no grounds for relief. No pro se supplemental brief has been filed.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988). We affirm the conviction. We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

Counsel's motion to withdraw as counsel on appeal is denied.

The conviction is **AFFIRMED**, and the sentence is **REMANDED**.